

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 cr 39-1**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
DANIELLE DEVONNA JONES,)	
)	
Defendant.)	
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THIS MATTER is before the Court upon pro se Defendant's letter (#78) dated October 20, 2016 and was received by this Court on October 26, 2016 requesting that the Clerk of Court "summons" various officers to appear before the Court at a hearing that is scheduled to be heard before United States District Judge Max O. Cogburn, Jr. concerning a Motion to Suppress filed by the Defendant on November 9, 2016 at 2:30 p.m. The undersigned has considered this letter as an Application under Rule 17(b) of the Federal Rules of Criminal Procedure requesting a subpoena for a witness.

Rule 17(b) of the Federal Rules of Criminal Procedure provides:

(b) Defendant Unable to Pay.

Upon a defendant's ex parte application, the court must order that a subpoena be issued for a named witness if the defendant shows an inability to pay the witness's fees and the necessity of the witness's presence for an adequate defense. If the court orders a subpoena to be issued, the process costs and witness fees will be paid in the same

manner as those paid for witnesses the government subpoenas.

Fed.R.Crim.P. 17(b)

LCrR 17.2 provides:

Subpoenas in Criminal Cases.

Requests For Subpoenas Where Defendant Is Unable to Pay. All defense motions that seek service of subpoenas by the United States Marshal at government expense must be filed with the Court at least fourteen (14) days in advance of either the hearing date or the first day of the term of Court, whichever date is earlier, for which the witness's presence is being requested. Any subpoena request not made at least fourteen (14) days in advance of the applicable date may be denied as untimely. Upon a finding of good cause, however, a judicial officer may elect to honor an untimely subpoena request.

It appears that Defendant was found to be indigent in this matter on previous occasions and the Defendant is unable to pay the witness fees for the various witnesses that Defendant requests be subpoenaed in this matter. It further appears that the letter of Defendant was dated October 20, 2016 and was filed on October 26, 2016, and as a result the undersigned will consider that the subpoena request of the Defendant is timely and will order that the fees of the witnesses so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in the case of a witness subpoenaed on behalf of the Government.

ORDER

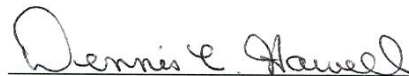
IT IS, THEREFORE, ORDERED that the letter (#78) of the Defendant,

considered as an Application for Subpoena of witnesses, was made pursuant to Rule 17 of the Federal Rules of Criminal Procedures is **ALLOWED**. It is **ORDERED** that subpoenas be issued for the following witnesses whom the Court assumes are all employees of the Buncombe County Sheriff's Department to appear in Courtroom #1 of the United States Courthouse in Asheville, NC on November 9, 2016 at 2:30 p.m.:

Deputy Dallas Draper, Deputy Aaron Lawson, Deputy R. Warren, Deputy J. T. Eller, Det. Jerry Burnell, Deputy Ryan Jordon, and Sgt. Chad Edwards.

It is further **ORDERED** that after the subpoenas, as referenced above, have been issued by the Clerk of this Court, the subpoenas shall be delivered to the United States Marshal's Service with directions that they serve the subpoenas upon the Deputy Sheriffs set forth above.

Signed: November 1, 2016



Dennis L. Howell
United States Magistrate Judge

